

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS ESTRADA-CONTRERAS,  
MAURICIO ESTRADA-MUNOZ, and  
MIGUEL ORTEGA-ESTRADA,

Defendants.

No. CR17-301RSL

DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the United States' Renewed and Revised Motion for Entry of a Discovery Protective Order, and the Court, having considered the motion, and being fully advised in this matter, hereby finds,

FOR THE REASONS stated in the United States' Renewed Motion, there is a factual basis to support the United States' concerns, and there is good cause for the requested Discovery Protective Order in order to advance the goals of protecting a confidential source from disclosure of personal information, protecting ongoing investigations, and avoiding the potential for harassment, tampering, or retaliation.

The Court therefore grants the Renewed Motion and enters the following Protective Order:

1           1.     Protected Material

2           The United States will make available copies of Protected Materials, including those  
3 filed under seal, to defense counsel to comply with the government's discovery obligations.  
4 Possession of copies of the Protected Materials is limited to the defense attorneys of record,  
5 and investigators, paralegals, law clerks, experts and assistants for the defense attorneys of  
6 record (hereinafter collectively referred to as members of the defense team). Protected  
7 Materials will be marked and labeled as "Protected Material," including:

- 8           a.     Audio, video, photographic, and written recordings of the confidential  
9                 source ("CS") used by Homeland Security Investigations in  
10                investigating this case;  
11           b.     Personal information related to the CS, including any documents  
12                 provided by the government containing personal information about or  
13                 related to the CS.

14           As used in this Order, the term "personal information" includes a person's full name,  
15 picture or likeness, voice recording, date of birth, Social Security number (or other  
16 identification information), driver's license number, address, telephone number, location  
17 of residence or employment, school records, juvenile criminal records, and other  
18 confidential information.

19           2.     Scope of Review of Protected Material

20           The attorneys of record and members of the defense team may display and review  
21 the Protected Material with Defendants. The attorneys of record and members of the  
22 defense team agree that providing copies of the Protected Material to Defendants and other  
23 persons is prohibited and they will not duplicate or provide copies of Protected Material to  
24 Defendants and other persons.

25           The United States Attorney's Office for the Western District of Washington is  
26 similarly allowed to display and review the Protected Material with lay witnesses, but is  
27 otherwise prohibited from providing copies of the Protected Material to lay witnesses, i.e.  
28 non-law enforcement witnesses.

1           3.     Consent to Terms of Protective Order

2           Members of the defense team shall provide written consent and acknowledgement  
3 that they will each be bound by the terms and conditions of this Protective Order. The  
4 written consent need not be disclosed or produced to the United States unless requested by  
5 the Assistant United States Attorney and ordered by the Court.

6           4.     Parties' Reciprocal Discovery Obligations

7           Nothing in this order should be construed as imposing any discovery obligations on  
8 the government or Defendant that are different from those imposed by statute, case law,  
9 the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

10          5.     Disputes Over Scope of Protective Order

11          If any party believes that material has been improperly designated as Protected,  
12 that party may seek a further order of this Court; provided, however, that the party shall  
13 not disseminate the disputed Protected Material until the Court has ruled.

14          6.     Filing of Protected Material

15          Any Protected Material that is filed with the Court in connection with pre-trial  
16 motions, trial, sentencing, or other matter before this Court, shall be filed under seal and  
17 shall remain sealed until otherwise ordered by this Court. This does not entitle either party  
18 to seal their filings as a matter of course. The parties are required to comply in all respects  
19 to the relevant local and federal rules of criminal procedure pertaining to the sealing of  
20 court documents.

21          7.     Nontermination

22          The provisions of this Order shall not terminate at the conclusion of this prosecution.

23          8.     Violation of Protective Order

24          Upon any violation of a term or condition of this Order by Defendants, their  
25 attorneys of record, any member of the defense teams, or any attorney for the United States  
26 Attorney's Office for the Western District of Washington, that person may be held in  
27 contempt of court, and/or may be subject to monetary or other sanctions as deemed  
28 appropriate by this Court.

1 If the Defendants violate any term or condition of this Order, the United States  
2 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file  
3 any criminal charges relating to the Defendant's violation.

4 DATED this 10<sup>th</sup> day of April 2018.

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7 The Honorable Robert S. Lasnik  
8 U.S. DISTRICT COURT JUDGE  
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